FILED
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WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By ______
Deputy Clerk

IN THE UNITED STATES DISTRICTCOURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

WILLIAM N. PETERSON and
GARY L. ROGERS.

Plaintiffs,

Vs.

JOHN GRISHAM,
DOUBLEDAY DELL PUBLISHING GROUP,
RANDOM HOUSE INC, ROBERT MAYER,
BROADWAY BOOKS, DENNIS FRITZ,
SEVEN LOCKS PRESS INC,
JAMES C. RIORDAN and BARRY SCHECK .

Defendants.

Case No. CIV 07-317-KEW

COMPLAINT FOR CIVIL CONSPIRACY, LIBEL, PUBLICITY PLACING A PERSON IN FALSE LIGHT, AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Plaintiffs, William N. Peterson, (Hereinafter " Peterson") and Gary L. Rogers. (Hereinafter "Rogers") by their attorneys Gary L. Richardson, Charles L. Richardson and Kevin D. Adams of The Richardson Law Firm, PC, for their complaints against the Defendants, jointly and severally, state as follows:

THE NATURE OF THE ACTION

1. This is an action in Civil Conspiracy to commit libel, publicity placing a person in false light and intentional infliction of emotional distress seeking compensatory and punitive damages against John Grisham, Doubleday Dell Publishing Group, Random House

consent form given

Incorporated, Robert Mayer, Broadway Books, Dennis Fritz, Seven Locks Press, James C. Riordan and Barry Scheck.

2. This action is brought by William N. Peterson and Gary Rogers against the Defendants alleging the Defendants conspired to do the following acts;

- commit libel against the plaintiffs
- to generate publicity for self interest sake placing Peterson and/or Rogers in a false light
- to intentionally inflict emotional distress upon Peterson and/or Rogers

3. Additionally, this action alleges that the defendants are jointly and severally libel for Defamation (by libel and slander, by publicity placing a person in false light and intentional infliction of emotional distress.

THE PARTIES

4. **William N. Peterson** is an attorney licensed to practice law in the state of Oklahoma. Peterson has served the people of the state of Oklahoma since 1980 as the elected District Attorney for Pontotoc, Seminole and Hughes Counties. Peterson handled the prosecution of Ron Williamson and Dennis Fritz for the 1982 murder of Debbie Sue Carter. Peterson is a life long resident of Oklahoma who has lived most of his life in Ada, Oklahoma. Peterson is married and the father of two children and the grandfather of four. Peterson served his country as a member of the United States Air Force. After receiving an honorable discharge from the Air Force, Peterson attended the University of Oklahoma where he graduated in 1971. Following college Peterson attended Oklahoma City University law school where he received has law degree in 1975. In 1979 Peterson decided to forego the more profitable world of private practice choosing instead to use his

education and skills to serve the people of the sate of Oklahoma as an assistant district attorney. In 1980 Peterson became the elected District Attorney of Pontotoc, Seminole and Hughes counties. Since being elected as District Attorney Peterson has represented the people of the state of Oklahoma in thousands of cases ranging from misdemeanor DUI cases to First Degree Murder cases. As a result of his service to the community and prior to Defendants conduct Peterson enjoyed an outstanding professional reputation in the legal community. In 1990 Peterson was named Outstanding District Attorney by the Oklahoma District Attorney's Association. On numerous occasions Peterson has been specially appointed to represent the state of Oklahoma in criminal cases across the state. when other District Attorney's have recused from those cases. Through out the years Peterson has been active in his local community of Ada, Oklahoma as a member of the Masons, Shriners and his local church. At all relevant times herein, Plaintiff William N. Peterson was a resident of the state of Oklahoma.

5. **Gary Rogers** is a former Shawnee Police officer as well as a former Agent for the Oklahoma State Bureau of Investigation. Gary Rogers served the people of the state of Oklahoma for 37 years as a law enforcement officer. Rogers, along with other law enforcement investigated the 1982 murder of Debbie Sue Carter. Rogers has spent a lifetime of serving the people of the state of Oklahoma as an investigator. Rogers put his life in jeopardy almost on a daily basis as a Shawnee Police Officer and as an agent for the Oklahoma Bureau of Investigation as well as an investigator for District Attorney District 22. As a result of his service to the community and prior to the Defendants actions Rogers enjoyed an outstanding reputation in the law enforcement community. At all relevant times herein, Plaintiff Gary Rogers, was a resident of the state of Oklahoma.

6. **John Grisham** (hereinafter known as "Defendant Grisham" or " Grisham") is a non-practicing lawyer who is known throughout the world for writing fiction books. John Grisham is also the author of *The Innocent Man* (Released October 10, 2007), which was Gisham's first attempt at writing a non-fiction book. *The Innocent Man* is a book written about the 1982 murder of Debbie Sue Carter and the subsequent investigation, prosecution, conviction and exoneration of Ron Williamson and Dennis Fritz. Grisham is a member of the board of directors of The Innocence Project a non-profit organization located in the New York City, New York. Defendant Grisham holds strong views opposing the Death Penalty. At all relevant times herein, Defendant John Grisham was a resident of the state of Virginia.
7. **Doubleday Dell Publishing Group** (Hereinafter Doubleday) is the publisher of *The Innocent Man* and *Actual Innocence*..
8. **Random House Incorporated** (Hereinafter Random House) is a New York Corporation that owns Doubleday Dell Publishing Group, the publisher of *The Innocent Man* and *Actual Innocence* and Broadway Books the publisher of *The Dreams of Ada*. Random House, Inc. is a New York corporation located at 1745 Broadway in New York, New York. The registered service agent for Random House, Inc. is Katherine J. Trager 1745 Broadway New York, New York, 10019.
9. **Robert Mayer** is the author of *The Dreams of Ada* (re-released with new afterword by the author on October 24, 2006). *The Dreams of Ada* is a book written primarily about the murder of Denice Haraway and the subsequent investigation, prosecution and conviction of Tommy Ward and Karl Fontenot. The book is portrayed as non-fiction and in the

author's note Robert Mayer claims "This story is true. Nothing has been invented." At all relevant times herein, Robert Mayer, was a resident of the state of New Mexico.

10. **Broadway Books** is the publisher of *The Dreams of Ada* a division of Random House Incorporated.

11. **Dennis Fritz** is the author and the main subject of *Journey Towards Justice* (released October 6, 2007). *Journey Towards Justice* is portrayed as a non-fiction account of the investigation, arrest, prosecution and subsequent exoneration of Dennis Fritz. At all relevant times herein, Dennis Fritz, was a resident of the state of Missouri.

12. **Seven Locks Press and/or James C. Riordan** is the publisher of *Journey Towards Justice*. At all times relevant James C. Riordan was a resident of the state of California. Seven Locks Press, Inc. is a Maryland corporation. The registered service agent for Seven Locks Press is D. Clavin Kytle 6600 81st Street Cabin John, MD 20731.

13. **Barry Scheck** was a lawyer representing Dennis Fritz and is the author of *Actual Innocence (*Released 2003). *Actual Innocence* is a book that discusses among other things the investigation, prosecution, conviction and subsequent exoneration of Ron Williamson and Dennis Fritz Barry Scheck is a civil rights attorney and co-director of The Innocence Project a non-profit organization located in the New York City, New York. *Actual Innocence* was published by Doubleday Dell Publishing Group a division of Random House Incorporated. At all times relevant the plaintiffs believe that Barry Scheck was a resident of the state of New York. However, the Plaintiffs are certain he has never taken up residency in the state of Oklahoma.

JURISDICTION AND VENUE

14. All claims in this action arise under the statutory and common law of the state of Oklahoma.

15. Jurisdiction is proper in this action under 28 U.S.C. 1332. There is complete diversity of Citizenship between the Plaintiffs and the Defendants and the amount in controversy exceeds$75,000.

16. Venue is proper in this action under 28 U.S.C. 1391 (a)(2). All of the Plaintiff's claims set forth arise in this district and a substantial part of the Defendants' wrongful acts and omissions complained of occurred in this district.

GENERAL ALLEGATIONS

17. The Defendants herein coordinated their efforts to launch a massive joint defamatory attack on the Plaintiffs. The defendants launched this attack through the use of speeches, interviews and simultaneously publishing three books that were all three strategically released in October of 2006.

18. The first wave of this defamatory attack designed to publicly place the Plaintiffs in a false light came on October 6, 2006 with the publication of *Journey Toward Justice* written by Dennis Fritz. *Journey Toward Justice* contains statements knowingly and recklessly made which are; false, half-truths, contains incomplete information and omissions of material facts. The statements in *Journey Toward Justice* were among other reasons designed to defame the Plaintiffs, and to create publicity that cast them in a false light. These statements were additionally designed to bring about great public hatred, contempt and ridicule of the Plaintiffs and to cause the Plaintiffs to be deprived of public confidence as well as be injured in their professions and occupations.

19. The front cover of the *Journey Toward Justice*, written by Defendant Fritz, contains the endorsement of Defendant Grisham saying the book is "Compelling and Fascinating". The back cover of *Journey Toward Justice* contains quotes from Defendant Scheck as well as Defendant Grisham. A Foreword in the book *Journey Toward Justice* is written by Defendant Scheck in which he references a book he wrote titled *Actual Innocence* in which Scheck devoted a chapter about the Williamson and Fritz murder case. Defendant Scheck also references Defendant Mayer's book, "The Dreams of Ada", in his forward.

20. In the Preface of the *Journey Toward Justice* Defendant Fritz expresses thanks to Defendant Grisham, saying "My deepest gratitude to John Grisham for his friendship, inspiration and encouragement to write my story." *Journey Toward Justice, page xxi.*

21. The second wave of this joint and massive defamatory attack designed to publicly place the Plaintiffs in a false light came on October 10, 2006 with the publication of the next book, *The Innocent Man* written by John Grisham. *The Innocent Man* contains malicious statements that were knowingly and recklessly made which are; false, half-truths, contains incomplete information as well as omissions of material facts. The statements in *The Innocent Man* were designed to defame the Plaintiffs as well as, create publicity that cast the Plaintiffs in a false light. These statements were among other reasons designed to bring about great public hatred, contempt and ridicule of the Plaintiffs, as well as to cause actions that would result in causing the Plaintiffs to be deprived of public confidence and be injured in their professions and occupations.

22. In the Author's Note of *The Innocent Man,* Defendant Grisham expresses his thanks to those who helped him with his book. One of those he thanked was, Dennis Fritz a fellow co-conspirator, saying "Dennis Fritz revisited his painful history with remarkable enthusiasm and answered all my questions." *The Innocent Man, page 359.* In the Author's Note John Grisham also explains, "I relied heavily on *The Dreams of Ada,* written by a fellow co-conspirator Robert Mayer." *The Innocent Man, page 360.*

23. The last wave of this defamatory attack designed, in part, to publicly place the Plaintiffs in a false light came on October 24, 2006 with the re-publication of *The Dreams of Ada* written by Robert Mayer. The re-published version of *The Dreams of Ada* contains both new and old statements, many that were knowingly and recklessly made and which are false, half-truths, contains incomplete information and omissions of material facts. These statements were designed to defame the Plaintiffs, create publicity that cast them in a false light. And to bring about great public hatred, contempt and ridicule of the Plaintiffs. The statements were designed as well to cause actions that would cause the Plaintiffs to be deprived of public confidence and be injured in their professions and occupations.

24. Just as in Defendant Fritz book, *Journey Toward Justice*, Defendant Mayer's book contained an endorsement from John Grisham, referring to Mayer's book as, "A riveting true story of a brutal murder in a small town and the tragic errors made in the pursuit of justice."

25. In this newly added Afterward, written by Defendant Mayer, an insight is given into what was intended by the defamatory attacks;

> "Bill Peterson, the man who had prosecuted Ward and Fontenot, was still ensconced as district attorney. Gary Rogers, formerly of the Oklahoma State Bureau of Investigation, was now the investigator for Peterson's office. Both were secure in their jobs—but they had reason to be apprehensive about their images. For more than a year, one of the best selling novelists in the world and an experienced trial lawyer, John Grisham, had been visiting Ada intermittently, researching his first nonfiction book. What he was writing was no secret: a book about two Ada men who had been convicted of the brutal murder of an attractive young woman and who had been sentenced respectively to life in prison and to death—two men who were later proven

innocent. Grisham's book—certain to be a bestseller, like his novels—was likely to give the police and the prosecutors of Ada, and perhaps the whole town, a black eye all across America." *The Dreams of Ada, With a New Afterword by The Author;* page 489-490.

26. In a speech given at the University of Virginia School of Law in September of 2006 Defendant Grisham openly revealed what he hoped to accomplish in with the writing of *The Innocent Man.* During his speech and in response to a question, from the audience, Defendant Grisham made the following statement in reference to his views on the death penalty; "....my one hope for this book is that people read it and realize that this system we have is simply too unfair to continue." *Speech given by Defendant Grisham at the University of Virginia Law School on September 18, 2006.*

27. These series of attacks on the Plaintiffs orchestrated by the Defendants was motivated by the Defendants desire, among other things, to further efforts to abolish the Death Penalty.

28. During this speech at the University of Virginia Law School Defendant Grisham demonstrated his own opinion of the libelous material he had written, with blatant disregard for the truth in a disgusting and defamatory attack on Plaintiff Peterson. Defendant Grisham stated that; "...the prosecutor, who is the number one bad guy in this book, and he'll probably file the first lawsuit sometime in November, the book comes out in October". Defendant Grisham publicly stated that the number one bad guy in his book was Plaintiff Peterson a man of integrity as well as a public servant that has dedicated years of his life to protecting the citizens of Pontotoc, Seminoles and Hughes counties. With this statement Defendant Grisham not only demonstrated a consciousness of guilt but, he demonstrated that he was so motivated by his zeal to become known as a non-fiction writer as well as fiction and to further his and his fellow defendants' efforts to abolish the Death Penalty that he was willing to make a public servant the number one bad guy in his book instead of Glen Gore, the man who brutally murdered Debbie Sue Carter and then gave perjured testimony in order to convict an innocent man, a story that Grisham uses to write his book.

29. Defendant Grisham makes it clear, in a letter by him published on his website, saying that that he intended to ruin the careers of theses Plaintiffs. In the last lines of this letter Defendant Grisham states "They, citizens and jurors, trust their authorities to behave properly. When they don't, the result is Ron Williamson and Dennis Fritz. Ada is a nice town, and the obvious question is: When will the good guys clean house?" Despite Defendant Grisham's repeated claims that Plaintiff Peterson was the "bad guy" neither he nor any of his co-defendants ever filed a complaint against Plaintiff Peterson with the Oklahoma Bar Association despite Defendant Grisham and Defendant Scheck both being lawyers. Both knowing their ethical responsibility to report fellow lawyers to the Bar Association that they believe are "unfit" for the practice of law.

30. Both before the release of the books by the defendants and after their release the Defendants continued to combine, conspire and agree to defame the Plaintiffs and publicly cast the plaintiffs in a false light.

COUNT I
(Civil Conspiracy)

31. Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in paragraphs 1-29 as if set forth fully herein.

32. The Defendants conspired, agreed, and combined with each other to commit the allegations set forth below in paragraphs 32-36.

33. The Defendants defamed the Plaintiffs, through both libel and slander. The Defendants well knew that through their actions that the Plaintiffs would be exposed to public hatred, contempt, ridicule or obloquy. The Defendants knew and/or intended for their actions to cause the Plaintiffs to be deprived of public confidence and be injured in their professions and occupations. The Defendants statements were made knowing they were false and/or with reckless disregard for the falsity of the statements.

34. The Defendants actions were designed among other reasons to bring about great public hatred, contempt and ridicule of the Plaintiffs in such a way that would cause individuals and news organizations to disseminate the defamation and publicity placing the plaintiffs in a false light without any further action being required on the Defendants' part. The Defendant's actions were designed with total disregard for the good reputations of Plaintiffs Peterson and Rogers; and in fact, have demonstrated a plan and desire to ruin their careers and good reputations while promoting their own self interest.

35. The Defendants knowingly and/or recklessly gave publicity to a matter concerning the Plaintiffs that placed the Plaintiffs before the public in a false light. The false light that that the plaintiffs were placed in is of such a nature that it would be highly offensive to a reasonable person. The Defendants had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the Plaintiffs would be placed.

36. The Defendants actions, in the setting in which they occurred, were so extreme and outrageous as to go beyond all possible bounds of decency and are to be considered atrocious and utterly intolerable in a civilized society, the Defendants maliciously and

with intentionally and/or reckless conduct caused severe emotional distress to the Plaintiffs beyond that which a reasonable person could be expected to endure.

Count II
(Defamation)

37. Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in paragraphs 1-36 as if set forth fully herein.

38. The Defendants defamed the Plaintiffs, through both libel and slander. The Defendants well knew that through their actions that the Plaintiffs would be exposed to public hatred, contempt, ridicule or obloquy. The Defendants knew and or intended their actions to cause the Plaintiffs to be deprived of public confidence and be injured in their professions and occupations. The Defendants statements were made knowing that theses statements were false and/or with reckless disregard for the falsity of these statements.

39. The Defendants actions were designed to bring about great public hatred, contempt and ridicule of the Plaintiffs in such a way that would cause individuals and news organizations to disseminate the defamation and publicity placing the plaintiffs in a false light without any further action being required on the Defendants' part. The Defendant's actions were designed to ruin the Plaintiffs' reputations and careers, and amount to slander per se and liable per se.

Count III
(Publicity Placing Person in False Light)

40. Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in paragraphs 1-36 as if set forth fully herein.

41. The Defendants knowingly and/or recklessly gave publicity to a matter concerning the Plaintiffs that placed the Plaintiffs before the public in a false light. The false light that that the plaintiffs were placed in is of such a nature that it would be highly offensive to a reasonable person. The Defendants had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the Plaintiffs would be placed.

Count IV
(Intentional Infliction of Emotional Distress)

42. Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in paragraphs 1-36 as if set forth fully herein.

43. The Defendants actions in the setting in which they occurred were so extreme and outrageous as to go beyond all possible bounds of decency and would be considered atrocious and utterly intolerable in a civilized society and the Defendants intentionally or recklessly caused severe emotional distress to the Plaintiffs beyond that which a reasonable person could be expected to endure.

WHEREFORE, Plaintiffs demand a jury trial on each count of the complaint. Plaintiffs respectfully requests that the Court enter a judgment in favor of the Plaintiffs and against Defendants, jointly and severally, actual and punitive damages, their costs of suit and such other relief this Court may deem just and proper on each count of the complaint.

Respectfully submitted,

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By: ______________________
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